

REMARKS

In the Office Action mailed March 3, 2008, the Examiner stated that the Applicants previous arguments had been fully considered but were not persuasive. The Examiner also rejected claims 1-39 under 35 U.S.C. 102(b) as being anticipated by Broberg et al. (WO 99/40654). Applicants respectfully disagree and submit that the application is allowable for the reasons detailed in the response to the September 21, 2007 Office Action. Further, Applicants respectfully submit that claims 21-22, 24-30, and 32-39, as currently amended, are in condition for allowance and respectfully request notice to this effect.

I. Status of the Claims.

Applicants have amended claims 21 and 35, and have canceled claim 31 without prejudice. Independent claim 21 has been amended to include the features of original claim 31, with the exception of changing the wording of the first step of original claim 31, by replacing the term “stable operating points” with “points that are defined as contributing to an edge in the edge matrix.” Thus, amended claim 21 now includes the feature of determining whether the determined stable operating points represent the optimum stable operating points. Claim 35, which was previously presented in independent format, has been amended to depend from claim 21.

II. Response to the Rejection under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-39 under 35 U.S.C. § 102(b) as being anticipated by *Broberg*. Applicants note that claims 1-20 and 23 were previously canceled, and that the Examiner does not address the substantive merits of these claims. Therefore, Applicants assume that the

Examiner intended to name claims 21-22 and 24-39, and proceed as such herein. In order to be anticipatory, a reference must teach or suggest each and every element of the claimed invention. Applicants respectfully submit that Broberg does not teach each and every element of independent claim 21.

At the least, Broberg does not teach or suggest determining whether the determined stable operating points represent the optimum stable operating points of the laser by one or more of the steps of dilating the set of points that are defined as contributing to an edge in the edge matrix by one pixel so as to widen edges of the matrix, determining whether more than one operating point is in each dilated bounded region, and subsequently determining the optimum stable operating points in a region. Applicants respectfully submit that this subsequent data processing in order to obtain optimum stable operating points is not disclosed by Broberg.

The above features of claim 21 may be used to help find the mode boundaries from a coarse plane, extrapolate between points in the coarse plane to give a higher resolution calibration, and then determines optimum operating points. As a result, the final calibration is substantially equivalent to the high resolution calibration that would otherwise be obtained by tuning the laser sections in small current steps and recording a large data set to produce a high resolution plane. These advantages of the method of claim 21 are described in greater detail on page 16, line 21 to page 17, line 8, of the specification.

At best, Broberg discloses a form of coarse tuning measurements. Broberg, however, is silent about, and does not suggest, obtaining optimum operating points for subsequent data processing after the coarse measurement, as set out in amended Claim 21. Since Broberg does not suggest obtaining optimum operating points for subsequent data processing after the coarse measurement, Broberg cannot provide many of the benefits of claim 21.

As independent claim 21 is allowable, Applicants submit that dependent claims 22, 24-30, and 32-39 are allowable for at least the reason that these claims depend from an allowable base claim. In light of the above, Applicants respectfully request withdrawal of the rejection of claims 21-22 and 24-39 under 35 U.S.C. § 102(b).

III. Conclusion

Applicants submit that the present application is in condition for allowance and respectfully request notice to this effect. The Examiner is requested to contact Applicants' representative below if any questions arise or she may be of assistance to the Examiner.

Respectfully Submitted,
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Date: May 2, 2008

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